THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18690 of 2004

DATED: 25.07.2007

Between:

Manubolu Ramakrishna Reddy. .. Petitioner

And

The Regional Joint Commissioner of
Endowments, Govt. of A.P.,
Tirupati,
and others. .. Respondents

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.18690 of 2004

ORDER:

This writ petition is filed seeking a writ of mandamus declaring the action on the part of the first respondent in not granting the stay of the operation of the public auction proceedings with regard to the auction notice No.100/2004, dated 03.10.2004, issued by the third respondent in respect of the land in an extent of Ac.2-49 cents wet land in Sy.No.1493 in East Gudur Town, Gudur Mandal to the extent of Ac.2-49 cents wet land in Revision Petition dated 05.08.2004 filed by the petitioner, as illegal and arbitrary.

The main grievance of the petitioner is that he is a landless poor person, as such, he is cultivating the lands in an extent of Ac.2-49 cents in sy.no.1493 belonging to the third respondent as a tenant since 1997 and he is paying Maktha regularly to the third respondent temple. While so, the second respondent-Assistant Commissioner, Department of Endowments, Government of A.P., Nellore issued proceedings in Rc.No.A2/2349/2003, dated 12.05.2004, rejecting the petitioner's plea that he is a landless poor person and further the second respondent directed the third respondent to lease out the said land in public auction. Further, the petitioner contends that without giving him an opportunity, the said proceedings are passed against him, and that it appears that on 28.04.2004 itself the second respondent came to the conclusion that he is having own land of Ac.0-

13 cents of wet land and Ac.2-24 cents of dry land as per the Certificate given by the Executive Officer Grade-I Grama Panchayat, Potupalam. With regard to this, the petitioner submits that in a Settlement Deed Dt.10.03.1977, the dry land which he was having to an extent of Ac.1-30 cents went to his son and the wet land to an extent of Ac.1-13 cents and 0-94 cents of dry land was given to his daughter at the time of her marriage and subsequently, the same was registered in his daughter's favour on 22.07.2004, as such, he is a landless poor person as on the date of granting tenancy in his favour i.e., on 10.03.1997.

The petitioner further submits that aggrieved by the order dated 12.05.2004 passed by the second respondent, he preferred a revision petition before the first respondent i.e., the Regional Joint Commissioner, Tirupati. Along with the Revision, the petitioner also filed an application seeking stay of all further proceedings including the alleged auction. However, the Regional Joint Collector refused to grant any stay and hence, the petitioner approached this Court and filed the present writ petition.

This Court, in WPMP.No.24586 of 2004 on 14.10.2004 ordered stay of operation of the public auction notice No.11/2004, dated 03.10.2004, issued by the third respondent with regard to the wet land to an extent of Ac.2-49 cents in Sy.No.1493 in East Gudur Town, Gudur Mandal, Nellore District. In the light of the said orders passed by this Court and also taking into consideration of the fact that the revision petition filed by the petitioner is pending before the first respondent, this Court is of the view that no further orders need be passed in this writ petition.

Accordingly, the writ petition is closed.

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(GOPALA KRISHNA TAMADA,J)

Dt.25.07.2007
v v